

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANNICA B. BOWEN, individually
and on behalf of similarly
situated employees,

Plaintiff,

v.

JEA SENIOR LIVING HEALTH &
WELFARE BENEFIT PLAN LLC, a
Washington Limited Liability
Company, et al.,

Defendants.

No. 2:20-cv-02318-TLN-KJN

**AMENDED PRETRIAL SCHEDULING
ORDER**

After reviewing the parties' Joint Statement, the Court
makes the following Pretrial Scheduling Order.

I. SERVICE OF PROCESS

All named Defendants have been served and no further service
is permitted without leave of court, good cause having been
shown.

II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

No joinder of parties or amendments to pleadings is
permitted without leave of court, good cause having been shown.

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1 III. JURISDICTION/VENUE

2 Jurisdiction is predicated upon 28 U.S.C. § 1332.
3 Jurisdiction and venue are not contested.

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5 **PHASE I - CLASS CERTIFICATION**

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7 IV. DISCOVERY

8 The Court hereby bifurcates the discovery process. All
9 discovery in Phase I shall be limited to facts that are relevant
10 to whether this action should be certified as a class action and
11 shall be completed by **August 2, 2021**. In this context,
12 “completed” means that all discovery shall have been conducted so
13 that all depositions have been taken and any disputes relative to
14 discovery shall have been resolved by appropriate order if
15 necessary and, where discovery has been ordered, the order has
16 been obeyed. All motions to compel discovery must be noticed on
17 the magistrate judge’s calendar in accordance with the local
18 rules of this Court.

19 V. DISCLOSURE OF EXPERT WITNESSES

20 All counsel are to designate in writing, file with the
21 Court, and serve upon all other parties the name, address, and
22 area of expertise of each expert that they propose to tender at
23 class certification not later than **October 1, 2021**.¹ The
24 designation shall be accompanied by a written report prepared and
25 signed by the witness. The report shall comply with Fed. R. Civ.
26 P. 26(a)(2)(B).

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¹ The discovery of experts will include whether any motions based on
28 Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) and/or
 Kumho Tire Co. v. Carmichael, 119 S. Ct. 1167 (1999) are anticipated.

1 Within twenty (20) days after the designation of expert
2 witnesses, any party may designate a supplemental list of expert
3 witnesses who will express an opinion on a subject covered by an
4 expert designated by an adverse party. The right to designate a
5 supplemental expert for rebuttal purposes only shall apply to a
6 party who has not previously disclosed an expert witness on the
7 date set for expert witness disclosure by this Pretrial
8 Scheduling Order.

9 For purposes of this Pretrial Scheduling Order, an "expert"
10 is any person who may be used at trial to present evidence under
11 Rules 702, 703, and 705 of the Federal Rules of Evidence, which
12 include both "percipient experts" (persons who, because of their
13 expertise, have rendered expert opinions in the normal course of
14 their work duties or observations pertinent to the issues in the
15 case) and "retained experts" (persons specifically designated by
16 a party to be a testifying expert for the purposes of
17 litigation).

18 Each party shall identify whether a disclosed expert is
19 percipient, retained, or both. It will be assumed that a party
20 designating a retained expert has acquired the express permission
21 of the witness to be so listed. Parties designating percipient
22 experts must state in the designation who is responsible for
23 arranging the deposition of such persons.

24 All experts designated are to be fully prepared at the time
25 of designation to render an informed opinion, and give their
26 bases for their opinion, so that they will be able to give full
27 and complete testimony at any deposition taken by the opposing
28 party.

1 VI. CLASS CERTIFICATION

2 The Motion for Class Certification shall be filed by
3 **December 1, 2021**. The parties are responsible for ensuring that
4 all motions are filed to allow for proper notice of the hearing
5 under the Federal Rules of Civil Procedure and/or Local Rules.
6 Local Rule 230 governs the calendaring and procedures of civil
7 motions with the addition that when the last day for filing an
8 opposition brief falls on a legal holiday, the opposition brief
9 shall be filed on the last court day immediately preceding the
10 legal holiday.

11 Failure to comply with Local Rule 230(c), may be deemed
12 consent to the motion and the Court may dispose of the motion
13 summarily.

14 VII. POST-CERTIFICATION CASE ACTIVITY

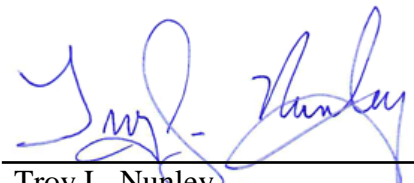
15 All other necessary dates and deadlines, including dates for
16 the Final Pretrial Conference and Trial, along with all deadlines
17 associated therewith, will be set by a Supplemental Pretrial
18 Scheduling Order to be issued following the Class Certification
19 hearing.

20 VIII. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

21 This Pretrial Scheduling Order will become final without
22 further order of the Court unless objections are filed within
23 *fourteen* (14) days of service of this Order.

24 IT IS SO ORDERED.

25 DATED: December 21, 2020

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Troy L. Nunley
United States District Judge